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6 ALLIANCE OF NONPROFITS FOR  
INSURANCE, RISK RETENTION GROUP

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**ALLIANCE OF NONPROFITS FOR  
INSURANCE RISK RETENTION GROUPS**

CASE NO. 2:10-CV-01749-JCM-RJJ

**12** | Plaintiffs,

13 | VS.

14 BRETT J. BARRATT, COMMISSIONER OF  
15 INSURANCE OF THE STATE OF  
16 NEVADA, STATE OF NEVADA,  
DEPARTMENT OF BUSINESS AND  
INDUSTRY DIVISION OF INSURANCE

## Defendants.

## ORDER

This matter was considered at a motion hearing before the court on July 21, 2011. At said time, the court considered plaintiff Alliance of Nonprofits for Insurance, Risk Retention Group's motion for summary judgment (doc. #21) and defendants Brett J. Barratt, Commissioner of Insurance of the State of Nevada, the Department of Business and Industry Division of Insurance, motion for summary judgment (doc. #22).

IT IS HEREBY ORDERED ADJUDGED AND DECREED that plaintiff's motion for summary judgment (doc. #21) be, and the same hereby is, GRANTED. Defendant's motion for summary judgment is DENIED.

28 | *j/j*

1 IT IS FURTHER ORDERED THAT Nev. R. Stat. 485.185, Nev. R. Stat. 679A.030(1) and  
2 Nev. R. Stat. 687A.040 and related statutes and regulations of the State of Nevada are preempted  
3 by the Liability Risk Retention Act pursuant to the Supremacy Clause of the Constitution, as  
4 applied to Alliance of Nonprofits for Insurance, Risk Retention Group insofar as they prohibit  
5 plaintiff from issuing first dollar automobile liability insurance policies in the State of Nevada.

6 IT IS FURTHER ORDERED THAT the phrase "authorized insurer," as used in the Nev.  
7 R. Stat. 679A.030, shall be interpreted to include registered risk retention groups such as Alliance  
8 of Nonprofits for Insurance, Risk Retention Group.

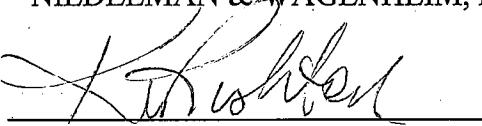
9 IT IS FURTHER ORDERED THAT defendants are permanently enjoined from enforcing  
10 Nev. R. Stat. 485.185, Nev. R. Stat. 679A.030(1) and Nev. R. Stat. 687A.040 and related statutes  
11 and regulations against members of Alliance of Nonprofits for Insurance, Risk Retention Group,  
12 insofar as they prohibit plaintiff from issuing first dollar automobile liability insurance policies in  
13 the State of Nevada.

14 IT IS FURTHER ORDERED THAT plaintiff is entitled to a remedy under 42 U.S.C. §  
15 1983 and, therefore is entitled to an award of attorney fees under 42 U.S.C. § 1988 to be set  
16 pursuant to FRCP 54.

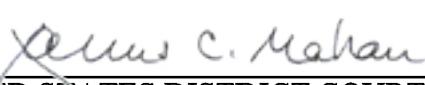
17 Dated this 22nd day of July, 2011.

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19 Submitted by:

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21 COOPER LEVENSON APRIL  
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28   
UNITED STATES DISTRICT COURT JUDGE